



Moldova

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The Constitution of Moldova, adopted in 1994, provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. Parliament amended the 1994 Constitution in July 2000 by voting to transform the country into a parliamentary republic and changing the presidential election from a popular to a parliamentary vote. In December 2000, after several tries, Parliament was unable to elect a president, and then-President Petru Luchinschi dismissed the Parliament. On February 25, parliamentary elections were held, which resulted in a new communist-majority Parliament and Government. International observers considered the parliamentary elections to be generally free and fair; however, the authorities in the separatist Transnistria region on the left bank of the Nistru River interfered with the ability of residents there to vote. On April 4, Parliament elected Communist Party leader Vladimir Voronin as President. The Constitution provides for an independent judiciary; however, observers believe that judges remained subject to outside influence and corruption.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since, although agreements to normalize relations have not been honored. Mediators from Russia, Ukraine, and the Organization for Security and Cooperation in Europe (OSCE) have encouraged the two sides to reach a settlement that preserves the nation's sovereignty and independence while granting a measure of autonomy to Transnistria. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for statehood and for recognition by the Chisinau leadership of a country consisting of a confederation of two equal states: Transnistria and right-bank Moldova. In 1997 the Transnistrian authorities signed a memorandum of understanding with the Government. Further negotiations have been inconclusive. Upon his election, President Vladimir Voronin promised that the resolution of the Transnistrian problem would be one of his priorities, conducted an active campaign to win international support for a settlement, and conducted monthly direct negotiations with Transnistrian leaders until September.

The Ministry of Internal Affairs has responsibility for the police. The Information and Security Service (ISS) controls the other security organs, except for the Border Guards, which are a separate agency. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS, and to ensure that they comply with existing legislation. In June Parliament dissolved the special committee that had been created in 2000 to oversee the ISS and placed it under a permanent Parliamentary Committee on National Security. The ISS has the right to investigate crimes but not to arrest individuals. There were reports that the security forces committed some human rights abuses.

The country has a population of approximately 4.5 million. The Government is engaged in a program of privatization; agriculture, the most important economic activity, largely has been privatized. The majority of manufacturing sector enterprises are owned privately, but small equity positions (even 5 to 10 percent) give the Government disproportionate influence in the affairs of these enterprises. Most small shops and virtually all service sector businesses are owned privately. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The per capita gross domestic product for the first 11 months of the year was \$406 (5,330 Moldovan lei), but this figure may be considerably underestimated because of activity in the large shadow economy (which accounts for approximately two-thirds of the economy) and underreporting for tax purposes. According to government statistics, approximately 82 percent of the population lived below the officially designated "subsistence minimum."

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistria authorities was poor. Citizens have the right to change

their government, although this right is restricted severely in Transnistria. There were some unconfirmed reports by inmates that guards beat them. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. The judicial system, while underfunded and subject to outside influences and corruption, continued to demonstrate independence from the Government and Parliament. It is believed widely that security forces monitored political figures, used unauthorized wiretaps, and at times conducted illegal searches. There were some restrictions on freedom of the press, including defamation and calumny laws that encourage self-censorship. There were legal limits on freedom of association. Religious practice generally was unrestricted; however, a few religious groups encountered difficulties in obtaining official registration. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the U.N. High Commission for Refugees (UNHCR). Violence and societal discrimination against women persisted, as did societal discrimination against Roma. There were some limits on workers' rights. Trafficking in women and girls was a very serious problem.

The Transnistrian authorities reportedly used torture and continued to engage in arbitrary detention. Prison conditions in Transnistria remained harsh, and three ethnic Moldovans, members of the Iliascu group, remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transnistria. The Transnistrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Moldovan/Romanian speakers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents in the country or its separatist region.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were some unconfirmed reports by inmates that prison guards beat them.

In April 2000, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges. Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed and the students were released subsequently. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end.

There have been unsubstantiated reports by local nongovernmental organizations (NGO's) of involvement by government officials in the trafficking of women and girls (see Section 6.f.).

The Helsinki Committee reported that the authorities used torture in Transnistrian Prison Number Two during a military training exercise there from August 24 to 29. According to the Helsinki Committee, approximately 50 convicts sustained injuries during these so-called "lessons in behavior." Transnistrian authorities and part of the Transnistrian press denied that soldiers tortured the prisoners.

Conditions in most prisons in both Transnistria and Moldova remained harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or international standards. Conditions were especially harsh in prisons used to hold persons awaiting trial or sentencing. As of September 1, 3,374 individuals, including 198 minors, were awaiting trial (see Section 1.d.). These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences were only marginally better. The incidence of malnutrition and disease, especially tuberculosis, was high in all prison facilities. The medical section of the Department of Penitentiaries released figures at year's end showing that 1,150 inmates had active tuberculosis and 178 had HIV/AIDS. The Ministry of Justice administers the prison system. Attempts to improve prison conditions continue to be frustrated by a lack of financing. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished

levels.

Female prisoners are housed separately from male prisoners. According to UNICEF, the country has only one small facility, similar to a detention camp, for juveniles convicted of crimes, and one women's prison has a small section for juvenile girls. There is no juvenile justice system (see Section 1.e.). Children accused of crimes usually are tried by the criminal courts and, if sentenced, sent to prisons with adults. During the year, as part of the country's celebration of 10 years of independence, President Voronin declared an amnesty for 1,500 prisoners, mainly war veterans and pensioners.

In general both government and independent human rights monitors were permitted to visit prisons. The Moldovan Center for Human Rights made regular prison visits during the year. The Government has cooperated with the International Committee of the Red Cross (ICRC) in the past, permitting visits to prisoners from the 1992 conflict; however an ICRC request for permission to visit the Iliascu Group, imprisoned in Transnistria, was denied. The OSCE visited the Iliascu Group (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile

The Soviet Code on Penal Procedure, which prohibits arbitrary arrest and detention, remained in force with some amendments, and the authorities generally respected its provisions. Judges issue arrest warrants based on cases presented by prosecutors. As a result of a constitutional change which took effect on August 8, a suspect may be detained without charge for 72 hours, an increase from 24 hours. The suspect normally is allowed family visits during this period. If charged a suspect may be released on personal recognizance pending trial. No system of bail exists, but in some cases, in order to arrange release, a friend or relative may be allowed to give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally were not released before trial.

Under the Constitution, detainees must be informed immediately of the reason for their arrest and must be made aware of the charges against them as quickly as possible. The accused has the right to a defense attorney throughout the entire process (see Section 1.e.), and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours.

The Constitution permits pretrial detention for an initial period of 30 days, which, as a result of an amendment adopted on July 12, may be extended by a court to 12 months. Detentions of several months were fairly frequent. Parliament may approve the extension of pretrial detention on an individual basis to 12 months. The accused has the right, under the Constitution, to a hearing before a court regarding the legality of his arrest. At year's end, according to figures provided by the Ministry of Justice, 1,890 persons of a total prison population of 10,632 were held in confinement awaiting trial.

On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR (see Section 2.d.).

At times during the year, the Transnistrian authorities used a "state of emergency" decree that they promulgated in 1994, and imposed a state of emergency in Transnistria that allowed law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually have been applied to persons suspected of being critical of the regime and sometimes last up to several months. According to a credible report by Amnesty International, many pretrial detentions in Transnistria fit this description. The decree was lifted on October 5.

The law prohibits forced exile and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, many observers believe that arrears in salary payments make it difficult for judges to remain independent of official pressure and free from corruption.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, and a Supreme Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal. A separate Constitutional Court has authority exclusively in cases regarding the constitutionality of draft and final legislation, decrees, and other government acts.

The Constitutional Court showed signs of independence during the year. It reviewed 72 cases, including 33 laws, 3 decisions of Parliament, 20 government decisions, 6 interpretations of the Constitution, and 5

approvals for constitutional review. In the period following a July 2000 constitutional amendment enacted by Parliament that made the country a parliamentary republic, the court issued a number of rulings on the interpretation of the amendment and subsequent implementing legislation. On October 10, 2000, the Court ruled that legislation requiring political parties be registered for 2 years before participating in elections was unconstitutional. The Court's decisions generally have been regarded as fair and objective.

The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for judicial tenure is designed to increase judicial independence. Beginning in 2000, judges being considered for reappointment have been required to take a specialized training course at the Judicial Training Center. At the end of this training, they are subject to tests, which are evaluated by the Superior Council of Judges; the results are considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The Prosecutor General's office is an autonomous office within the judiciary branch and answerable to Parliament. Since 1997 prosecutors have had the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. In its July 2000 session, Parliament decided that the Prosecutor General's office would no longer supervise the implementation of laws; its function was restricted to criminal prosecution, the presentation of formal charges before a court, and the overall protection of the rule of law and civil freedoms.

There is no juvenile justice system (see Section 1.c.). Children accused of crimes usually are tried by the criminal courts. In September UNICEF and the SOROS foundation sponsored a training program by the NGO, Association of Women Lawyers, to help the country begin to create a juvenile justice system.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to a lawyer and the right to attend proceedings, confront witnesses, and present evidence. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, defendants often do not have adequate legal representation. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients.

Due to a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. The Justice Minister stated that in the first 6 months of the year, only 67 percent of all court rulings had been carried out. He cited as reasons the economic crisis, a lack of judicial and prosecutorial resources and the absence from the country of many working-age individuals against whom judgments have been levied.

There continued to be credible reports that local prosecutors and judges extorted bribes for reducing charges or sentences. For example, in 1999 a judge in the Chisinau economic court was arrested and sentenced to 10 years in prison for accepting a bribe. In September, the Prosecutor General reportedly asked the Superior Council of Magistrates to dismiss one judge so he would lose immunity and could be prosecuted; the judge had freed an alleged leader of an organized crime group specializing in targeted killings and kidnappings, reportedly for a large bribe. No further information was available on this case by year's end.

In Transnistria three ethnic Moldovans, members of the Iliascu Group, remained in prison following the May release of their leader. They were convicted of murder in 1993 in a trial that international human rights groups considered biased and unfair. Local organizations alleged that they were prosecuted solely because of their membership in the Christian Democratic Popular Party (PPCD), a political party that, at that time, favored unification with Romania. In April 1999, wives of the Iliascu Group filed a case with the European Court of Human Rights (ECHR) against the Government of Moldova and the Russian Federation. In spite of the release of Ilie Iliascu in May, they have not withdrawn the case, which was being considered by the ECHR at year's end. Iliascu, who subsequently became a Romanian parliamentarian, is pressing the Government of Romania to work toward the release of his former colleagues. He has also met with President Voronin asking for the Government's support for their release. International organizations continued to pressure the Transnistrian authorities to release the remaining members of the Iliascu Group or retry them in a proper court under international monitoring. The ICRC has been denied visitation to these prisoners since 1994. The ICRC requested permission to visit the Iliascu Group during the year, but the Transnistrian authorities did not permit the visit (see Section 1.c.).

There were no reports of political prisoners apart from those in Transnistria.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice.

Prosecutors issue search warrants and there is no judicial review of search warrants; however, it is believed widely that the security agencies conduct illegal searches without proper authorization. Courts do not exclude evidence that was obtained illegally. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. The Constitution also forbids searches at night, except in the case of flagrant crime, and this prohibition generally is respected. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is underway; however, in practice the prosecutor's office lacks the ability to control the security organizations and the police or to prevent them from using wiretaps illegally. It is believed widely that security agencies continue to monitor residences and telephones electronically. The head of the ISS denies this charge.

Following the September 11 terrorist attacks in the United States, police reportedly informed persons of Middle Eastern origin that they were being monitored carefully, and ISS asked the rectors of universities with large Muslim foreign student populations to inform such students that they also were being monitored carefully. The ISS reportedly also conveyed the same message, by unspecified means, to popular gathering places of Muslim students.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the law provide for freedom of speech and of the press; however, there are some restrictions on these rights. The Government generally did not limit freedom of speech; however it has used provisions of the electoral law, and a calumny law, against some critics, and journalists practice some self-censorship. Nevertheless there is an active independent media.

Although the Constitution restricts press freedoms and some speech by forbidding "disputing or defaming the State and the people," these restrictions lack implementing legislation and are not invoked. However, a calumny law prohibits defaming high-level public officials. In the past, criticism of public figures resulted in a number of lawsuits. As a consequence, journalists practiced self-censorship to avoid lawsuits. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under the Court's 1999 ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since the 1999 decision, plaintiffs generally have lost in cases in which suits have been filed against journalists and media organs. The Prosecutor General is investigating and prosecuting the former head of the Department to Combat Corruption and Organized Crime, General Nicolae Alexei, under the calumny law. Alexei has become a parliamentary deputy and a member of the opposition Christian Democratic Party, and many observers believe that this affiliation is the real reason he is being charged. The Prosecutor General's office has declined to release further information on his investigation.

Article 34.5 of the Constitution prohibits censorship and generally the Government does not censor books, films, or any other media officially; however, members of Parliament and other government officials often contact a media outlet with complaints about their reporting, which usually results in the criticism being toned down.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these independent media remained in the service of, and secure large subsidies from, political movements, commercial interests, or, until July, foreign governments or ethnic interests. In July Parliament amended the Press Law to prohibit funding or support of Moldovan publications by foreign governments. Observers presumed that the amendment was aimed at Romanian government support for opposition groups; however, the new prohibition also may apply to publications funded as part of international aid programs, and potentially could hinder human rights groups, foreign donors, sponsors of democratization projects, and other nonpolitical organizations.

The Government charged an independent publication, Kommersant Moldovy, with being a danger to state security for its alleged support for the separatist Transnistria regime and closed it on November 30 on the grounds that it was having financial troubles.

The Government does not restrict foreign publications. However, Western European and American publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish special Moldovan weekly supplements.

The print media expressed a wide variety of political views and commentary. National and city governments subsidize a number of newspapers. Political parties and professional organizations, including trade unions, also publish newspapers. Most newspapers have a circulation of fewer than 5,000 copies.

There are several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. Three independent television stations operate in the Chisinau area and one in the city of Balti. The Chisinau licensed stations mostly rebroadcast programs from other stations, along with local news shows and some of their own programs. The Government owns and operates several radio stations and a television station that covers most of the country. Some local governments, including the government in Gagauzia, operate television and radio stations.

During the year, the state radio dropped a popular Romanian-sponsored radio program, "the Hearth," allegedly under government pressure, in addition to dropping two other minor radio spots from Romania. "The Press Club," a popular television show in which journalists at times interviewed controversial political figures, was removed from state television because it could not pay for broadcasting time; an earlier administration originally subsidized it as a public service program. The program subsequently went to a cable station, but has since dropped from its offerings. The Audio-Visual Council (AVC) requires cable television companies to carry state television shows. In February Catalan-TV, a deeply indebted independent station that was in arrears for nonpayment of its station license fees, ceased operations after its operating license was withdrawn by the AVC, ostensibly because of the arrears. However, observers noted that despite repeated warnings, Catalan had continued broadcasting materials during the parliamentary elections that were in violation of the electoral law, which limits broadcasting time to each party. The stations themselves, to be in compliance, are tasked with monitoring and allowing a party to use only its allotted time; there has been controversy over whether or not the appearance of a party or a spokesperson for a party in another context, such as in a newscast or as a discussion program guest, is counted towards this allotted time. Although Catalan-TV was not the only station to violate the law, it was the most frequent violator and allegedly lacked the protection available to some of the other offenders, who had better political connections.

A 1995 law requires that a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. In August 2000, the AVC issued citations to several radio and television channels, and threatened to revoke their licenses for their failure to respect this requirement. This action led to renewed controversy over the status of the Russian and Moldovan/Romanian languages (see Section 5). In October 2000, following protests from both domestic and foreign groups, Parliament approved an interpretation of the law that 65 percent of locally produced content, rather than 65 percent of total airtime, had to be in the state language. On July 20, Parliament also eliminated the legal requirement that all advertisements be accompanied by a translation in the state language, and allowed advertisers to use any language. In the February parliamentary elections, the Communist Party faction in the Parliament proposed making Russian a second official language and on December 25 sent a draft constitutional amendment on the issue to the Constitutional Court (see Section 5). Shortly after its election in February, the new Government followed the practice of its predecessors and replaced the directors of the television and radio units within the Moldova State Radio-Television Company. The Government also dissolved the Press Concern, an institution that provided space for a number of independent media and journalists' organizations, including the Moldpress news agency; the Government turned over control of the Press Concern's building to the State Chancellery to run on a for-profit basis. Independent media and journalists' unions, many of which are not financially self-supporting, feared that they would lose their space to more profitable non-media enterprises. By year's end, they reportedly had reached satisfactory arrangements with the new management, but some feared that they could lose their space if they were too critical of the Government.

The country receives television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers receive a variety of other foreign television programs, including news programs. Few residents have satellite television. Parliament has prohibited the use of locally based foreign media outlets for political campaigning.

In 2000 legislation was passed giving the public access to information from government organizations; however, few individuals know of this right, and government organizations largely did not comply with the law. Government organizations claimed they did not have the resources to fulfill such requests.

Internet access is not limited by the Government. As a result of low wages, private Internet accounts are prohibitively expensive; however, Internet cafes are plentiful in major cities.

Of the two major newspapers in Transnistria, one is controlled by the separatist authorities and the other by

the Tiraspol city government. There is one independent weekly newspaper in Benderi and another in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticized the Transnistrian regime and in response were harassed by separatist authorities. Other print media in Transnistria do not have a large circulation and appear only on a weekly or monthly basis; some of them also criticize local authorities. Most Moldovan newspapers did not circulate widely in Transnistria although they were available in Tiraspol. The independent newspaper in Benderi has suffered confiscation of equipment and repeated confiscation of its press run by the Transnistrian authorities since its founding in 1998; however, no such confiscations occurred during the year. The newspaper was under continual political pressure during the year. It has few resources and a circulation of only approximately 4,000 copies. One of the editors of this newspaper attempted to run for the "presidency" of Transnistria in December, but was not allowed to register (see Section 3). In November the authorities shut down the newspaper of the leftwing organization, For Power to the People, For Social Justice, and confiscated a full run of the newspaper.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected these rights in practice. Mayors' offices issue permits for demonstrations and may consult the national government if a demonstration is likely to be extremely large; permits are issued routinely and without bias. There were peaceful demonstrations in Chisinau against the Communist Party victory, the enhanced protection of Russian language usage, and a border agreement between the country and Ukraine that ceded a small piece of territory. Demonstrations against this agreement also took place in the border town affected. These demonstrations took place without interference from the police and there was no repetition of the violent clashes that took place in 2000 between police and demonstrators.

The authorities began an investigation of violence that occurred during the April 2000 student demonstration (see Section 1.c.), but declined to release the results.

The Transnistrian authorities usually do not permit free assemblies, and on those occasions when they do issue permits, they often harass organizers and participants. Unregistered religious groups are not allowed to hold public assemblies, such as revival meetings (see Section 2. c.). The authorities at times organized mass rallies in their own support, and termed them "spontaneous rallies by the people."

The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification with neighboring Romania have charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, are required to register, but applications were approved routinely. There were 31 parties at year's end.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. In March the authorities began legal proceedings against two leftist political parties--For Power to the People, For Social Justice, and People's Rule--and a leftwing Komsomol youth organization, all allegedly for undermining Transnistrian sovereignty by voicing support for the Moldovan Communist party in the February 25 parliamentary elections in Moldova. At year's end, court proceedings against People's Rule still were ongoing and had reached the Transnistrian "Supreme Court." In November a Transnistrian court closed the Komsomol youth organization.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church receives some special treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova has a diplomatic passport. Other high-ranking Orthodox Church officials also reportedly have diplomatic passports issued by the Government.

The law requires that religious groups register with the Government. The procedures for registering a religious organization are the same for all groups. Under the Law on Religions, an organization wishing to register must submit a request to the Cabinet. The Department of Religions examines the required statutes and organization chart of the religious body, determines if the officers of the central authority of the Moldovan branch of the religion are citizens (as required by law), and examines whether its beliefs contravene the

Constitution or any other laws of the country. The final recognition or rejection is accomplished by Government decree, signed by the Prime Minister and printed in the Official Gazette. The Government had recognized 20 religious organizations by year's end. However, in some cases the Government, citing Article 15 of the Law on Cults, has not recognized what it terms "schismatic movements" of a particular religion. This Article seems to be applied only to schismatic movements of the country's main religion, as both the Seventh-Day Adventist Church and the Reform Movement Seventh-Day Adventist Church are recognized as separate religions. Unregistered religions cannot buy land or obtain construction permits for churches or seminaries. Members of unregistered religions hold services in homes, NGO offices, and other locations.

The Government continued to deny recognition to the Bessarabian Orthodox Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The Bessarabian Orthodox Church was formed in 1992 when a number of priests broke away from the Moldovan Orthodox Church, which was subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church considers itself to be the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (a historical and geographical designation generally applied to the area bounded by the Danube, Nistru, and Prut Rivers, and the Black Sea). It is subordinate to the Bucharest Patriarchate of the Romanian Orthodox Church. The issue has political as well as religious overtones, as it raises the question as to whether the Orthodox Church should be united and oriented toward Moscow, or divided with a branch oriented toward Bucharest. The Bessarabian Church appealed the case to the ECHR. The Government responded in 2000, arguing that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. The ECHR heard the case on October 2 and issued its decision on December 13, stating that the Government had violated the human right of freedom of religious belief. At year's end, the Government had neither registered the Bessarabian Church nor filed its appeal with the ECHR, although officials indicated it would do so.

The Government continued to uphold its denial of registration to the Church of the True Orthodox of Moldova, a branch of the Russian Overseas Orthodox Church. On August 10, an appellate court decided in favor of the Church and ordered the Government to register it; however, the Government had not done so by year's end, and had filed an appeal to the Supreme Court of Justice.

The Church of Jesus Christ of Latter-Day Saints (Mormons), which first applied for registration in 2000, continued to face bureaucratic difficulties in the registration process.

In November 2000, the Government refused to register the Spiritual Organization of Muslims in Moldova (Muslims). The Muslims took their case to the Supreme Court of Appeals in February; in May the Supreme Court sent the case back to the Court of Appeals. The Supreme Court advised both the Muslims' representatives and the Government's representatives to follow the strict procedures of the law, since not all of these had been followed during the registration process. On October 8, the Court of Appeals ruled against the Muslims on October 8 and they appealed to the Supreme Court of Justice. The Muslim organization also asserted that it was discriminated against because some members are Afghan and Chechen refugees.

The law on religion as amended to legalize proselytizing--in principle bringing the legislation in line with the European Convention on Human Rights--went into effect in June 1999; however, the law explicitly forbids "abusive proselytizing," which is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." The Government has not taken legal action against individuals or organizations for proselytizing.

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area. The Church had little difficulty in recovering nearly all of its property and, in cases where property was destroyed, the Government offered alternative compensation. However, property disputes between the Moldovan and Bessarabian Churches have not been resolved. The Jewish community has had mixed results in recovering its property. The Baptist Church has only one remaining property restitution claim. In May the Molocans appealed to the Parliament to hear their property restitution case, but the Parliament denied their request, voting that the case was not within their jurisdiction.

In February 2000, Parliament passed a decree making "moral and spiritual" instruction mandatory for primary school students and optional for secondary and university students. The Ministry of Education had planned for the instruction to begin in September 2000; however, difficulties arose in establishing the nature of this religious instruction. These difficulties, combined with the chronic financial problems of the country's schools, delayed indefinitely the implementation of the decree on a national level. There are two public schools and a kindergarten open only to Jewish students. These schools receive the same funding as the state schools, and are supplemented by financial support from the community. Jewish students are not restricted to these schools. There are no comparable schools for Orthodox believers and no reports of such schools for other

religious faiths.

The law in Transnistria prohibits renting houses, premises of enterprises, or "cultural houses" for prayer meetings. Unregistered religious groups are not allowed to hold public assemblies, such as revival meetings. Evangelical religious groups meeting in private homes have been told that they do not have the correct permits to use their residences as churches.

On December 25, Transnistrian authorities threatened to demolish a house in which the Baptists had been meeting, although this threat had not been carried out by year's end.

In 1998 authorities in Transnistria canceled the registration of members of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials regularly confiscate religious tracts from members of Jehovah's Witnesses because the group is not registered properly. The Methodist Church was denied registration in late 2000. The Church of the Living God has been denied registration in five towns in Transnistria. The Baptist community, which also has been refused registration, was harassed and threatened during the last 3 months of the year. In the past, they and other non-Orthodox groups complained that they generally were not allowed to rent property and often were harassed during religious services.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to depart from and return to the country freely; however, there are some restrictions on emigration. Close relatives who are dependent on an applicant for material support must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets; however, such cases are very rare, and none were reported during the year. It generally is accepted that a large number of citizens are working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official sources are inconsistent and based largely on anecdote; government estimates claim that between 600,000 and 800,000 citizens were working outside the country, the vast majority of them illegally. The majority worked in Russia, Romania, Ukraine, and Bulgaria.

Travel between Transnistria and the rest of the country was not prevented, and the Government maintained that Transnistria is an integral part of a single state, although with a status yet to be determined. There are regularly scheduled buses and trains to and from Transnistria. The separatist authorities often stop and search incoming and outgoing vehicles. In 1999 the Government established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria. In September the new administration announced that it would remove these posts and began to make plans to set up joint customs posts with Ukraine on its border with Transnistria; however, implementation proved difficult and had not been completed by year's end. The Government also issued new customs seals and stamps and, unlike its predecessors, did not give them to the Transnistrian authorities. Officials assert that this is to prevent contraband from flowing through Transnistria. Transnistrian leaders charge that Moldova has put an "economic blockade" around its territory to pressure it politically. Late in the year, the Transnistrian authorities increasingly impeded OSCE travel to the region (see Section 4).

On November 23, the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; the Convention entered into force on December 11. However, the amendments to domestic law necessary to bring it into compliance with the Convention had not been enacted by year's end. The Government has no processing procedures for potential refugees resident in the country, although a new department was established in the Ministry of Justice to coordinate Government actions addressing refugees. According to a representative of the UNHCR, 10 to 15 persons a month arrive in the country seeking refuge. Many originate in Chechnya, Iraq, Sudan, Afghanistan, Nigeria, and other African countries. The Government cooperates in some respects with the office of the UNHCR and other humanitarian organizations in assisting refugees. While individuals who are already in the country generally have access without restrictions to the UNHCR and are processed for refugee status under its mandate, those arriving at the airport as a rule are denied entry and held incommunicado until they can be returned to their place of embarkation. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR. In August a group of six Somalis asked to meet UNHCR officials. Border Guard officials denied this request and returned the asylum-seekers to their port of embarkation in Syria. Chechens (who are Russian speakers and physically resemble resident Moldovans), and individuals assisted by smugglers, are more successful in gaining admission.

The arrival of approximately 60 to 100 Chechen refugees in the course of 2000 led to controversy between the Government and the UNHCR over the extent of legal protection refugees should receive. According to a UNHCR representative, the authorities frequently failed to inform the UNHCR of the arrival of refugees or

disregarded UNHCR guidance and advice. At the urging of the UNHCR, the Government accelerated the submission of a law on refugees to the Parliament. It was passed on first reading on May 10, but it had not been passed by year's end.

Although the Constitution provides the right to asylum, the issue of the provision of first asylum never has arisen formally. All persons approaching the UNHCR for refugee status also apply to the President for political asylum but invariably receive the response that the application can not be processed due to the absence of any refugee or asylum law. Those who are granted refugee status under the UNHCR's mandate lead a precarious existence with no possibility to legalize their status or to access the labor market. This leads to spontaneous departures or extended maintenance programs for destitute persons. Voluntary repatriation and cases of family reunification are infrequent. The most vulnerable individuals are considered for resettlement to other countries.

There were no official reports during the year of the forced return of persons to a country where they feared persecution; however, in 2000 Amnesty International reported a case in which such a forced return took place. According to Amnesty International, on July 13, 2000, a Kurdish Turk was seized by unidentified men in Chisinau and flown to Turkey where he faces charges that could carry a death sentence. Local human rights organizations charge that the Government failed to follow correct procedures in this case. There are allegations that national security officers were involved; however, the authorities deny them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change the government peacefully and exercise this right in practice in most of the country; however, this right is restricted in Transnistria. Citizens have voted in multiparty presidential elections in 1996 and parliamentary elections in 1996, 1998, and during the year. International observers considered these elections to be free and fair, but Transnistrian authorities have interfered with their residents' ability to vote in these elections.

The Constitution adopted in 1994 provided for the division of power among a popularly elected president, a cabinet, a parliament, and a judiciary. In July 2000, Parliament voted to amend the 1994 Constitution to transform the country into a parliamentary republic and change the presidential election from a popular vote to a parliamentary vote. In formal terms, the amended Constitution changes only the method of election of the President. Under its provisions, the President, as Head of State, appoints the Prime Minister, who names the Cabinet. The Prime Minister and the Cabinet are then approved by the Parliament, and if approved the Prime Minister functions as the head of Government. The President may dismiss a cabinet minister at the request of the Prime Minister. In September 2000, after a protracted political struggle, Parliament passed implementing legislation. According to this legislation, a three-fifths vote in Parliament is required to elect a Presidential candidate, and the vote must be held by secret ballot. If Parliament, after multiple votes, proves unable to elect a candidate, the sitting President may dissolve Parliament.

In a series of parliamentary votes in December 2000, two candidates competed for the position of President: Communist Party leader Vladimir Voronin and Constitutional Court President Pavel Barbat. Parliament failed to elect a president under its new implementing legislation, and then-President Petru Luchinschi dissolved Parliament and scheduled parliamentary elections for February 25. Those elections, which international observers considered to be generally free and fair, resulted in a new Communist-majority Parliament and Government; the Communist Party received 49.9 percent of the vote. The Braghis Alliance (a very loose coalition of mainly centrist political figures, government members, and independent Deputies under the nominal leadership of then-Prime Minister Dumitru Braghis) received 13.4 percent of the vote. The rightwing Popular Christian Democratic Party received 8.3 percent of the vote. All other parties and candidates failed to pass the electoral thresholds of 6 percent for parties and 3 percent for independent candidates. The Communist Party won 71 seats in the 101 seat Parliament; the Braghis Alliance received 19 seats; and the Popular Christian Democratic Party received 11 seats. The Communist Party therefore gained sufficient votes in Parliament to elect the president, pass laws, overturn presidential vetoes, and change the Constitution. On March 20, Communist Deputy Eugenia Ostapciuc became Speaker of Parliament. On April 4, Parliament elected Communist Party leader Vladimir Voronin as President. On April 19, Voronin appointed businessman Vasile Tarlev as Prime Minister. Tarlev appointed a Government composed of Communists and "technocrats."

A total of 31 parties met the requirement of a 1998 law requiring 5,000 members and were registered officially.

In October 2000, the Constitutional Court ruled that an amendment to this law, which required that parties must have been registered for at least 2 years before taking part in elections, was unconstitutional (see Section 3). Parties registered for less than 2 years therefore were allowed to participate in the February elections.

Fulfilling a Communist Party election pledge, the Parliament enacted legislation in December to revise the Administrative Territorial Reform Law and the Law on Public Administration by increasing the number of districts and to provide for early local elections. The legislation also changed the method of selecting mayors from a popular vote to appointment by local councils. This legislation awaited President Voronin's signature at year's end. The Parliament also passed a law giving prefects, the local representatives of the central government, control over county budgets. President Voronin promulgated the law; however, he refused to sign the provision which would apply the law to the city of Chisinau.

A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor and 35 deputies to their Popular Assembly in free and fair elections in September 1999. The Gagauz complained frequently that the central Government does not abide by the terms of the agreement giving Gagauzia autonomous status and that it enacts laws that directly contradict both Gagauz legislation and national legislation establishing Gagauz autonomy. On May 10, Parliament appointed a special commission to work on harmonizing laws between Gagauzia and the rest of the country; however, the special commission has experienced conflict and has been largely ineffective.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the eastern border with Ukraine. Upon his election, President Voronin promised that the resolution of the Transnistrian problem would be one of his priorities. He conducted an active campaign to win international support for a settlement, and conducted monthly direct negotiations with Transnistrian leaders until September when the two leaders suspended the talks due to conflict that was blamed on Moldova's introduction of new customs stamps and seals (see Section 2.d.).

Citizens' right to change their government is restricted severely in Transnistria. Elections for "President," of the unrecognized state took place on December 9 and the incumbent, Igor Smirnov, was declared the winner. In the period prior to the elections, the authorities shut down a political party and a youth group, closed a leftist party newspaper, and seized a press run. The authorities refused to register the candidacy of a potential political candidate and dismissed another from his job as mayor of Benderi prior to the election. The regime reportedly threatened workers with job loss and students with expulsion from their universities if they did not vote for Smirnov. Internationally recognized election monitors refused to observe the December 9 "presidential" election to avoid validating Transnistria's claim of statehood. Local observers reported that the actual voting was unfair, with considerable ballot box stuffing. Officials in the northern region of Kamenka reported that 103.6 percent of their voters cast ballots for Smirnov.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no restrictions in law or practice on the participation of women in political life. Women hold 11 of 101 parliamentary seats. Speaker of Parliament Eugenia Ostapcuic occupies the highest political position in the country attained by a woman.

Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the Moldovan/Romanian or Russian language, with translation provided.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are a number of domestic and international human rights groups which operate in general without government restriction, investigating and publishing their findings on human rights, except in the Transnistrian region. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. Amnesty International maintains a satellite office in Chisinau and is active in the country, although the authorities in Tiraspol impede its activities in the Transnistrian region. Both Helsinki Watch and Amnesty International produce yearly human rights reports on the country. In 2000 Amnesty, a local human rights NGO unaffiliated with Amnesty International, registered in Transnistria despite bureaucratic delays, police harassment, and threats by local and Transnistrian authorities.

Citizens may appeal to the ECHR in Strasbourg if they believe their rights have been violated or that national laws are not in accordance with the European Convention on Human Rights. In the first half of the year, citizens filed 50 cases with the ECHR. The majority of the cases concerned the lack of social protection, and salary and pension arrears accumulated by the Government. At year's end, none of the cases had been resolved. Most citizens are unaware of the Convention and their rights to legal remedies in general.

The Government supports the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission—which includes Moldovan, Russian, Ukrainian, and Transnistrian members—that reviews violations of the cease-fire

agreement. The mission generally enjoyed access, under a long-established agreement with the Transnistrian authorities, to the security zone along the river dividing the separatist-controlled territory from the rest of the country. However, late in the year, the Transnistrian authorities increasingly impeded OSCE travel to the region.

Under the law there are three parliamentary advocates (Ombudsmen), and an independent center for human rights, the Moldovan Human Rights Center. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms (one subsequently was replaced). Parliamentary advocates may be removed from office only by a two-thirds vote of Parliament, a provision that gives them substantial independence. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for a review of constitutionality, and oversee the operation of the Moldova Human Rights Center. Center personnel provide training for lawyers and journalists, visit jails, make recommendations on legislation, and conduct seminars and training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students. The majority of complaints received by the center involve private property violations, labor rights, access to justice, personal security, right to life, and personal dignity. The Human Rights Center received 902 written petitions signed by 2,651 persons. An additional 2,668 persons submitted complaints orally, either at the Center's offices or during visits throughout the country by Center staff.

Since the December 9 "presidential" elections, the regime in Transnistria reportedly has attempted to gain more control over NGO's in the region by having the security officials "invite" NGO leaders to their offices to discuss their registration and by pressuring landlords not to renew office space leases for some NGO's.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, or social origin; however, discrimination against women and some ethnic minorities, particularly Roma, persisted. There are remedies for violations, such as orders for redress of grievances, but these are not enforced in all cases.

Women

Spousal violence occurs; although the Government does not keep official data on incidences of domestic violence, human rights advocates assert that it is widespread. The Criminal Code does not specifically address crimes of domestic assault and there is no law on spousal rape; however, women abused by their husbands have the right to press charges under its general assault laws. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). In practice the Government rarely prosecutes domestic assault crimes. The Ministry of Internal Affairs reported 48 cases of spousal abuse cases during the first 8 months of the year, including 27 resulting in serious bodily injury, 21 attempted murders, and 8 murders. There is no law on spousal rape. The Ministry of Internal Affairs recorded 139 cases of rape in the first 9 months of the year, a 13 percent decrease from the same period in 2000. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

The Country's then-First Lady and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau; however, it still was under construction at year's end. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. On September 1, the International Organization for Migration (IOM) opened a women's shelter, mainly for victims of trafficking. Private organizations operate services that provide support to abused spouses, including a hot line for battered women.

Trafficking in women was a serious problem (see Section 6.f).

The law provides that women and men enjoy equal rights, and under the law and in practice women receive pay equal to that of men for equal work; however, they do not hold high-paying jobs in the same proportion as men. The Government provides extended paid maternity leave. There are significant numbers of female managers in the public sector and in banking. The president of the country's largest bank is a woman. Women make up approximately 50 percent of the workforce.

Children

There is extensive legislation designed to protect children, and the Government provides supplementary payments for families with many children. According to the Constitution, the Government provides free,

compulsory, education for 9 to 10 years, which may be followed either by technical school or other further study; the requirement can vary at the discretion of the Minister of Education. However, many inadequately funded schools, particularly in rural areas, charge parents for school supplies. While not technically illegal, such charges run counter to the educational platform of the Government and result in many children being kept at home by their parents. Government statistics state that 4,678 school-age children are not in school. The Minister of Education stated that more than 7,000 students did not show up for the first day of classes in the autumn; however, press reports cited a Ministry of Education estimate that 25 percent of students in rural schools did not attend school. The health system devotes a large portion of its limited resources to childcare, but childcare professionals consider it to be inadequate.

Various laws contain provisions against neglect of children. There are no statistics on child abuse, but it is believed to be widespread in families. Although there is legislation forbidding corporal punishment in schools, corporal punishment is common. Observers allege that women begging on the streets of Chisinau often sedate their babies in order to spend long hours begging without having to take time out to attend to their babies' needs.

Trafficking in girls for prostitution between 15 and 18 years of age is a very serious problem (see Sections 6.c. and 6.f.).

The situation of children in the country's orphanages is generally very poor. Official statistics indicate that there are 13,500 institutionalized children. An additional 5,000 children live in adoptive homes, 4,500 more live in foster homes or with legal guardians, and an unknown but large number live with one or more grandparents. Not all of the institutionalized children are orphans; the number of children entrusted to the State by needy parents, or parents leaving the country in search of work, reportedly is growing. NGO's estimate that up to 30,000 children are in institutions, including foster homes. Among the major problems in children's institutions are inadequate food, "warehousing" of children, lack of heat in the winter, and disease. Most of these problems are caused by lack of funding. One orphanage director lost his job for selling the food earmarked for the children on the black market. He also was rumored to have sterilized forcibly a teenage girl in his care.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government provides tax advantages to charitable groups that assist persons with disabilities.

Religious Minorities

The dispute between the Moldovan and Bessarabian Orthodox Churches continued (see Section 2.c.). In several towns where there is a True Orthodox congregation, opponents have taken signed petitions to local governments and courts stating that citizens oppose the existence of a True Orthodox-Moldova Church in their town and claim it would violate their human rights. When legal representatives for the Church examined these petitions, they reportedly found many names of incarcerated persons and the deceased among the supposed signatories. The priest of the first True Orthodox-Moldova Church reportedly has been harassed and threatened. Local church member volunteers reportedly sleep in his house to protect him.

The independent press occasionally writes very negative articles about religions other than the Orthodox Church. One example was an article in the National Journal on April 10 entitled "Sects in Moldova Recruit Followers by Promising Them Everything, After Which they Separate Them from God Forever." Several representatives of religious groups complained that this article was biased, especially in the way that it focused on the less mainstream groups. They also complained that the article linked their religions with other, more extreme groups. A June 8 article in Dialog, a weekly newspaper, was entitled "Snares of the Sects." It alleged that foreign religions disguise themselves by registering as humanitarian or cultural organizations in order to hide their church activities. This article specifically cited the Muslims and the followers of Reverend Moon.

In April and July, small bombs were thrown into a synagogue in Transnistria, causing minor damage. Transnistrian authorities arrested several "skinhead" youths, who also were accused of earlier vandalism of a Jewish cemetery. There were no other reports during the year of attacks against religious minorities.

National/Racial/Ethnic Minorities

According to the 1989 census, approximately 65 percent of the population are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz,

lives primarily in the southern regions of the country. The Gagauz speak Russian and Gagauz, a Turkic language. They represent approximately 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma NGO's range from 50,000 to 200,000. The Government announced in 2000 that it would allocate money from the budget to conduct a national census in 2001; however, no action had been taken by year's end.

Minority rights and the language question are related closely, particularly in the perceptions of the Russian speaking minority and the Moldovan/Romanian speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, Russian has been designated as a language for interethnic communication. After coming to power in February, the new Communist majority in Parliament amended several laws that strengthened the use of Russian without making it an official language. According to the law, a citizen has the right to choose which language to use in dealing with government officials or commercial entities. Accordingly, officials are required to know both Russian and Moldovan/Romanian "to the degree necessary to fulfill their professional obligations." Many Russian speakers, including well-educated professionals, either do not speak Moldovan/Romanian, or do not speak it well, while most educated Moldovans speak both languages. Representatives of the Russian speakers argued for a delay in the implementation of the law in order to permit more time to learn the language. Russian speakers are not discriminated against in practice, and the law has not been used to deny them work as state officials. The Constitution provides parents with the right to choose the language of instruction for their children. On August 7, the Minister of Education issued a decree that Russian would be a compulsory subject starting in the second grade (it previously had been compulsory starting in the fifth grade). In December the President implemented the decree, indicating that he had heard no protests from parents. On December 25, the Communist faction in Parliament submitted to the Constitutional Court a proposed law making Russian the second official language of Moldova; the Court had not issued a ruling by year's end.

The 1990 citizenship law offered an equal opportunity to all Soviet citizens residing in the country at the time of independence to adopt Moldovan citizenship. In August 2000, a law permitting dual citizenship went into effect. According to this law, dual citizenship can be obtained through birth, marriage, on the basis of a bilateral agreement (although no such agreements are in effect), or if it is provided by an international accord to which the country is a party. Naturalization requirements of the new law include a "sufficient knowledge" of the state language and constitution. On October 18, Parliament passed an amendment to the Citizenship Law permitting the President to withdraw citizenship from any individual without the right to a court hearing. The law went into effect on October 19. On October 23, the President withdrew citizenship, without specifying a reason, from a Lebanese national who earlier had been granted Moldovan citizenship by then-President Lucinschi. The individual reportedly was involved with a terrorist organization.

Parliament has postponed indefinitely the implementation of language testing, which was called for in the 1989 language law and was to have begun by 1994.

There is no official discrimination against Roma in education employment, access to social services, or treatment by the police; however, other citizens regard Roma, who are concentrated in the northern town of Soroca on the Ukrainian border and a few other villages, unfavorably. Some Moldovan Roma complain of police harassment; however, the authorities claim that many in the Roma community are engaged in smuggling from Russia and other nearby countries. Roma are the poorest of the ethnic groups, although there is a small core of relatively wealthy Roma.

In the separatist Transnistrian region, discrimination against Moldovan/Romanian speakers continued. State schools are required to use the Cyrillic alphabet when teaching Moldovan/Romanian. (Cyrillic script was used to write Romanian/Moldovan until 1989, since "Moldovan," as it was then called, officially was decreed during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet.) However, many teachers, parents, and students objected to this requirement, believing that it disadvantages pupils who wish to pursue higher education opportunities in the rest of the country or in Romania. The 1989 language law reinstituted obligatory use of the Latin script. However, Transnistrian authorities refused to abide by the law. As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region use the Latin alphabet, and the salaries of teachers and textbooks are supplied by the Moldovan Ministry of Education. These schools are considered private schools by the local authorities. They must pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The Government of Moldova has no budgetary provisions to pay the high rents of such facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

After delaying its opening and threatening to keep it closed, separatist authorities allowed the Romanian Language School (Latin alphabet) in Tiraspol to open in 1999 without restriction from the authorities. The Ministry of Education and the Romanian Government supplied books to the school and the UNHCR provided furniture and vehicles. The school continued to run three to four shifts per day to accommodate the number of students who desire this form of education.

Section 6 Worker Rights

a. The Right of Association

The Constitution states that any employee may found a union or join a union that defends workers' interests. The Trade Union Law passed in 2000 provides for independent trade unions, and other laws give citizens the right to form all kinds of social organizations. However, although some groups of workers have attempted to establish alternate trade unions independent of the General Federation of Trade Unions (GFTU)—the successor to the Soviet trade union system—none of these attempts have succeeded. Virtually all employed adults are members of a union in the GFTU. The GFTU's continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over other groups who might wish to form a union. Dissatisfaction within GFTU has resulted in several splits within the organization; however, the resulting splinter groups have been unsuccessful in forming new independent unions.

Neither government workers nor those in essential services such as health care and energy have the right to strike. In practice, other unions may strike if two-thirds of their members vote in a secret ballot to do so. No general or country-wide strikes took place during the year, although local strikes by teachers and doctors occurred in some areas.

Unions may affiliate and maintain contacts with international organizations. The GFTU is a member of the International Confederation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and the Government generally respects this right in practice. Wages are set through a tripartite negotiation process involving government, management, and unions. The three parties meet and negotiate national minimum wages for all categories of workers. Each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may, and often do, set wages higher than the minimum set on the national level, especially if the industry in question is more profitable than average. At the enterprise level, union and management representatives negotiate directly on wages. In this case also, they may set wages higher than negotiators on the industry level.

The law prohibits discrimination against workers for union membership or activities and there were no reports of actions taken against union members for engaging in union activities. The 2000 Trade Union Law provides that union leaders may not be fired from their jobs while in leadership positions without the consent of their superior union, and there were no reports of such firings during the year.

Labor disputes typically are settled in the workplace by a workplace arbitration committee. If an arbitration committee fails to settle the dispute, it is taken to the Courts of First Appeals. Court decisions involving the restitution of salary or a position are not implemented in all cases.

There were no export processing zones (EPZ's), although legislation passed on July 27 provided for converting former free enterprise zones into EPZ's. By year's end, work had begun to convert the four free enterprise zones in rural areas to EPZ's.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced and compulsory labor, however trafficking in women was a problem (see Section 6.f.).

The Government specifically prohibits forced and bonded labor by children; however, trafficking in girls for the purpose of prostitution was a very serious problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for unrestricted employment is 18 years. Employment of those between the ages of 16 and 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor and Social Protection has primary responsibility for enforcing these restrictions but does not do so actively. The Ministry of Health also has a role. However, children often are sent to work in the fields or

to find other work in violation of the child labor laws. Children living in rural areas often assist in the agricultural sector. The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

The Government specifically prohibits forced and bonded labor by children; however trafficking in girls was a serious problem (see Section 6.f.).

e. Acceptable Conditions of Work

The legal minimum monthly wage is \$9 (100 Moldovan lei) for those employed by the state and \$12.75 (150 Moldovan lei) for those employed by private firms. Neither minimum wage provides a decent standard of living for a worker and family. A minimum of \$2.50 (18 Moldovan lei) continued to be used as a basis for calculating pensions, scholarships, and fines. The officially reported median salary for the first 11 months was \$39 per month (433 Moldovan lei) in the public sector and \$57 (738 Moldovan lei) in the private sector. The highest salaries for the same period were in the financial sector, at \$183 (2,362 Moldovan lei) and the lowest were in health care and social services, at \$26 (331 Moldovan Lei). Due to severe budgetary constraints, the Government and private sectors often do not meet payrolls for employees.

The Constitution sets the maximum workweek at 40 hours, with extra compensation for overtime, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in a factory or fine an enterprise if safety standards are not met; however, this right is exercised rarely. Workers have the right to refuse to work, and they may continue to draw their salaries if working conditions represent a serious threat to their health. In practice the depressed economy has led enterprises to economize on safety equipment and show little concern for worker safety problems. Workers often do not know their rights in this area. The Ministry of Labor reported 59 serious industrial injuries in 2000, affecting 42 persons, 38 of them resulting in death during the year. The Ministry of Labor announced that it would publish a new statistical report on labor standards in April, but had not done so by year's end.

f. Trafficking in Persons

Pursuant to July amendments, the law prohibits trafficking in persons; however, trafficking in women and girls was a very serious problem. Although no official statistics are available, the country is a major country of origin for women and girls who are trafficked abroad for prostitution. There have been unsubstantiated reports by local NGO's of involvement by government officials; however, no official charges have been made.

Women and girls are trafficked to various locations, including Turkey, Cyprus, Greece, Italy, Hungary, Bulgaria, Slovakia, Bosnia, Macedonia, and Yugoslavia for prostitution. There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates, Portugal, France, Thailand, the United Kingdom, Spain, and Australia. Women and girls reportedly were trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. The IOM reported that more than 50 percent of the women working in prostitution in Kosovo were from Moldova. The Government of Turkey reports approximately 2,500 Moldovan women for prostitution yearly. A prominent women's rights activist and Member of Parliament stated that more than 10,000 Moldovan women were working as prostitutes in other countries.

According to the NGO Partners for Community, the target population for traffickers is young women, often minors, in rural areas. Women and girls typically accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends or acquaintances approach young women and offer them help to get good jobs abroad. This "friend of a friend" approach most often is used in the countryside. Save the Children and the Association of Women in Law report that many of the traffickers are women who target young girls in their own localities. Once they have arrived at their destinations, traffickers take their passports, require them to "repay" sizeable sums, and force them into sexual bondage. Traffickers commonly recruit women from rural villages, transport them to larger cities, and then traffic them abroad.

Another pattern of trafficking involves orphans who must leave orphanages when they graduate, usually at 16 or 17 years of age, and have no source of funds for living expenses or continuing education. Allegedly, traffickers know when orphan girls are to be turned out of their institutions and are waiting for them. This pattern has become so well known that one foreign adoption service registered as an NGO and organized a "foster-an-orphan" program in order to help curb the practice. Individuals from abroad send money to support individual orphaned girls from age 16 or 17 until they reach the age of 18 and can work legally (see Section 6.d.). However, this sponsorship program is small compared to the number of orphan girls who become

victims of traffickers each year.

The salaries of border guards and migration officials are low and frequently not paid regularly, making them vulnerable to bribery. The large profits of the trafficking industry finance the corruption of officials. According to a report by Save the Children, the Government does not want to stop any form of overseas employment that is contributing to the economy with much-needed remittance money. The Moldovan Center for Strategic Study and Reforms charges that there is corruption at all levels.

In July Parliament passed amendments to the law prohibiting trafficking and set severe penalties. For trafficking the penalty is 10 to 15 years in prison and confiscation of property. For repeated or serious offenses, such as trafficking of groups, minors, or pregnant women; trafficking through kidnaping, trickery or abuse of power; trafficking with violence; trafficking in body parts; or trafficking by a criminal organization; the penalty is 15 to 25 years in prison and confiscation of property. Five criminal cases were opened during the year. There were no convictions as of year's end.

The Government has taken some steps to prevent the trafficking of women or to assist victims and only is beginning to address the problem slowly. In April NGO's active in antitrafficking issues asked the Government to form a government antitrafficking working group, as the previous Government had done; the Government formed such a group in October, which developed a national plan of action to combat trafficking and a timetable to accomplish its goals. The former working group created a special law enforcement unit within the Ministry of Internal Affairs, which continued to operate. The Government provided specialized training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labor, funded by the OSCE and the Council of Europe. The country participates in a Southeast European Cooperative Initiative. Human Trafficking Task Force. The Government has cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases. The country also cooperated with Interpol in trafficking cases in Yugoslavia. There are no government-operated assistance programs for victims.

Several NGO's made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. The Swiss Agency for Cooperation and Development sponsored the production of a play about trafficking, which opened in Chisinau on September 1, entitled A Sapetia Kafana (A Bar in Kosovo). The play employed direct quotations of trafficked women who have been repatriated. It was performed subsequently throughout the country. The NGO Save the Children works with trafficking victims, especially repatriated girls. Local NGO's operate public school programs to educate young women about the dangers of prostitution and in April the NGO Association of Women Lawyers established, with the support of a foreign government, an antitrafficking center. It produced antitrafficking educational material, provided counseling to victims, and maintained a hot line for those in need of advice. On September 1, the local branch of the NGO La Strada established another hotline. In 2000 the IOM established an office in Chisinau, and during the year the IOM began to receive funds from a foreign source which it has used for informational programs and training for journalists about the dangers of trafficking. On September 1, the IOM, with foreign government support, opened a women's shelter and launched a campaign to educate young women about the dangers of trafficking. This campaign included the use of large billboards, informational spots on television and radio, and pamphlets.